IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Crl.Rev.Pet.No. 1019 of 1999()

(AGAINST THE ORDER DT. 26.10.99 IN CRL.RP. NO.21/99 OF ADDITIONAL SESSIONS COURT, KOTTAYAM.)

REVN. PETITIONER: ACCUSED

ANIL KUMAR KUTTAN,
MANKARA HOUSE,
KIDANGOOR SOUTH, KOTTAYAM.

BY ADV. SRI.P.K.BALAKRISHNAN NAIR

RESPONDENTS: COMPLAINANT
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1. **THE MATHRUBHUMI PRINTING AND PUBLISHING COMPANY LIMITED, K.P.KESAVAN MENON MEMORIAL BUILDING, S.H. MOUNT P.O., KOTTAYAM . REP.BY M.N.BAIJU, KOTTAYAM UNIT MANAGER.**

2. **STATE OF KERALA, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.C.K.SURESH
BY ADV.SRI.JOSEPH MARKOS & A.KUMAR - FOR R1

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. 1019/1999

ORDER ON CRL.MP. 1037/1999 IN CRL.MP.4705/1999

IN CRL.RP. NO;1019/1999

DISMISSED

29.06.2007 **SD/- K.R.UDAYABHANU , JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.1019 of 1999

Dated this the 29th day of June, 2007

O R D E R

The revision petitioner is the accused who has sought for setting aside the order of the revisional court in reversing the order of the trial court that dismissed application to recall a witness i.e., the bank manager in his attempt to establish that the accused is liable for the offence under Section 138 of the Negotiable Instruments Act.

2. I find that the order of the Magistrate cannot be said to be an order of interlocutory in nature in view of the facts and evidence sought to be adduced as in the absence of the same the entire case set up would be demolished. Further more no prejudice is caused to the accused by recalling and examining the bank manager. I find no infirmity in the order of the Sessions Judge.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl